

50T5474.01

REMARKS

Claims 1-6 and 14-18 are now pending in the application. Claims 7-13 have been canceled. Claims 1 and 14 are the only independent claims. Consideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

REJECTION UNDER 35 USC Sec. 102(e)

Claims 1-18 were rejected under 35 U.S.C. 102(c) as being anticipated by Zhao et al. (US 2004/0204135 A1) (hereinafter referred to as "Zhao"). In light of the following comments, this rejection is respectfully traversed and reconsideration is requested.

Independent Claim 1 is directed to a method of creating a ring tone file, comprising the acts of receiving on a handset an electronic data file comprising a master audio recording, receiving on the handset a ring tone start designation for a first time during an output of the master audio recording, receiving on the handset a ring tone stop designation for a second time during the output of the master audio recording, creating a ring tone file from a portion of the electronic data file defined by the start designation and the stop designation, the ring tone file solely comprising a temporally contiguous portion of the master audio recording, and making the ring tone file available for selection by a user.

Independent Claim 14 is directed to a method of manufacturing a wireless handset, comprising the acts of configuring the handset to receive an electronic data file comprising a master audio recording, configuring the handset to receive a first user input, wherein the first user input enables the user to input a ring tone start designation for a first time during an output of the master audio recording, configuring the handset to receive a second user input, wherein the second user input enables the user to input a ring tone stop designation for a second time during the output of the master audio recording, configuring the handset to create a ring tone file from a portion of the electronic data file defined by the start designation and the stop designation, the ring tone file solely comprising a temporally contiguous portion of the master audio recording, and configuring the handset to make the ring tone file available for selection by the user.

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Applicant submits that Zhao does not teach or suggest "receiving on the handset a ring tone start designation for a first time during an output of the master audio recording" (Claim 1) or "configuring the handset to receive a first user input, wherein the first user input enables the user to input a ring tone start designation for a first time during an output of the master audio recording" (Claim 14).

The Final Action directs Applicant to "Paragraph 44, lines 1-8 and paragraph 25, lines 1-7" for allegedly providing such teaching – however, Zhao, and these particular sections of Zhao, do not in any way, teach or suggest the elements noted above.

As explained in detail in Applicant's specification as filed, a user enters a desired elapsed time (e.g. number of seconds) as a ring tone stop designation (para. [0019]) then, as the master audio recording is output, the user "listens to the output and operates ..user interface 20 to enter a ring tone start designation (para. [0021]).

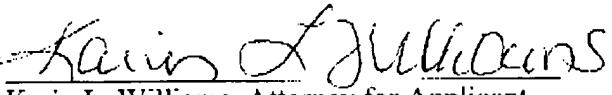
Zhao on the other hand, fails to teach or suggest receiving a "START" designation "during an output of the master recording". Paragraphs [0043] and [0044] of Zhao describe receiving and recording "stop" times - but not "start times - during output of the master audio recording". Rather in Zhao, a user simply selects the format for background music and our graphic format (para. [0042]) - and then, once selected, "in step 265, the edited/recorded files are played" (para. 43, lines 17-18). Only then can the user select "stop" using user interface 60 to "edit" the multimedia content. The stop time is recorded such that "if the stop time is T1, the playback time for the music1.mid and graphic1.jpg is from 0 to T1 (para 44). This does not provide a teaching in which a start designation is received during output of a master audio recording.

Accordingly, Applicant respectfully submits that independent Claims 1 and 14 are patentable over Zhao and reconsideration is requested. Dependent Claims 2-6 and 15-18 are believed to be patentable over the cited art as depending from one or the other of the independent claims, and as reciting additional patentably distinct limitations.

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Applicant, therefore, submits that all claims are patentable over Zhao and that the application is in condition for allowance. If a telephone conference would facilitate examination of this application in any way, the examiner is invited to contact applicant's attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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